

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

STATE OF OHIO *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, *et al.*,

Defendants.¹

Civil Action No. 3:24-cv-283-MJN-PBS

Judge Michael J. Newman

Magistrate Judge Peter B. Silvain, Jr.

**DEFENDANTS' SECOND MOTION FOR AN EXTENSION OF TIME TO
ANSWER OR OTHERWISE RESPOND TO THE COMPLAINT**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, Defendants United States Department of Homeland Security (the “Department”) and Kristi Noem in her official capacity as Secretary of Homeland Security (“the Secretary” and collectively with the Department, “Defendants”) respectfully move the Court for a 90-day extension of time to answer or otherwise respond to the Complaint, *see* ECF No. 1 (“Compl.”), from February 7, 2025 to May 8, 2025. As good cause for this request, to which Plaintiffs consent in part, Defendants state as follows:

1. On October 24, 2024, Plaintiff filed this action seeking to compel the Department to provide a response to Plaintiffs’ voter citizenship inquiries. *See* Complaint, ECF No. 1.

2. After one extension, Defendants’ current deadline to answer or otherwise respond to the complaint is this Friday, February 7, 2025. *See* ECF No. 12.

3. Defendants now respectfully request 90 additional days to answer or otherwise respond to the Complaint.

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Kristi Noem, Secretary of Homeland Security, is automatically substituted as a defendant in her official capacity for her predecessor, Alejandro Mayorkas.

4. In light of the recent change in Administration, Defendants require additional time to confer with new leadership within the Department of Homeland Security and the Department of Justice about this matter and to develop, and give full consideration to, an appropriate response to the allegations in Plaintiffs' complaint.

5. Even setting aside the recent change in Administration, counsel for Defendants would need a significant period of additional time to prepare Defendants' response due to the press of other significant litigation deadlines, some of which arose after Defendants' previous extension motion.

6. This is Defendants' second request for an extension of this deadline. No trial date or other deadlines have been set in this case, and the granting of this extension will not impact any other deadline.

7. Before filing this motion, pursuant to Local Rule 7.3, counsel for Defendants conferred with counsel for Plaintiffs, who reported that Plaintiffs (1) consent to a 45-day extension, but (2) oppose any longer extension.

8. For these reasons, Defendants respectfully request a 90-day extension of time. In the alternative and at a minimum, however, Defendants alternatively request a 45-day extension of time, a request to which Plaintiffs consent.

Dated: February 5, 2025

Respectfully submitted,

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